

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

<b>MEBLIN XIOMAR FIGUEROA</b>	)	<b>Civil Action No. 7:07cv00329</b>
	)	
<b>v.</b>	)	<b><u>FINAL ORDER</u></b>
	)	
<b>UNITED STATES OF AMERICA</b>	)	<b>By: Norman K. Moon</b>
	)	<b>United States District Judge</b>

In accordance with this court's memorandum opinion entered this day, it is **ORDERED** and **ADJUDGED** that Figueroa's motion (Docket No. 24) is **CONSTRUED** as a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, and the Clerk is directed to **FILE** the motion as such; the § 2255 motion is **DISMISSED without prejudice** as successive; and the case is **STRICKEN** from the active docket.

Further, the court finds that Figueroa has not made the requisite showing of the substantial denial of a constitutional right as required by 28 U.S.C. § 2253(c) and, therefore, a certificate of appealability is **DENIED**.

**ENTER:** This 30th day of March, 2012.

  
NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE